

**U.S. District Court  
California Northern District (San Francisco)  
CIVIL DOCKET FOR CASE #: 3:05-cv-03094-MHP**

Juskiewicz v. Intel Corporation  
Assigned to: Hon. Marilyn H. Patel  
Demand: \$0  
Cause: 15:15 Antitrust Litigation

Date Filed: 07/29/2005  
Jury Demand: Plaintiff  
Nature of Suit: 410 Anti-Trust  
Jurisdiction: Federal Question

**Plaintiff**

**Karol Juskiewicz**  
*on behalf of himself & all others similarly  
situated*

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V.

**Defendant**

**Intel Corporation**  
*a Delaware Corporation*

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Date Filed	Case #	Case 1:05-cv-00905-JJF Document 20 Filed 01/18/2006 Page 2 of 3	Docket Text
07/29/2005	<a href="#">1</a>	CLASS ACTION COMPLAINT & Jury Trial Demanded - [Summons Issued] against Intel Corporation, [Filing Fee: \$250.00, Receipt Number 3374935]. Filed by Plaintiff Karol Juskiewicz. (tn, COURT STAFF) (Filed on 7/29/2005) Additional attachment(s) added on 11/9/2005 (tn, COURT STAFF). (Entered: 08/01/2005)	
07/29/2005		SUMMONS Issued as to Intel Corporation. (tn, COURT STAFF) (Entered: 08/01/2005)	
07/29/2005	<a href="#">2</a>	ADR SCHEDULING ORDER: Case Management Statement due 11/21/2005 & Initial Case Management Conference set for 11/28/2005 04:00 PM. (Attachments: # <a href="#">1</a> Standing Order).(tn, COURT STAFF) (Filed on 7/29/2005) (Entered: 08/01/2005)	
07/29/2005		CASE DESIGNATED for Electronic Filing. (tn, COURT STAFF) (Entered: 08/01/2005)	
08/04/2005	<a href="#">3</a>	NOTICE OF RECUSAL. Magistrate Judge Bernard Zimmerman recused.. Signed by Magistrate Judge Bernard Zimmerman on 8/4/2005. (bzsec, COURT STAFF) (Filed on 8/4/2005) (Entered: 08/04/2005)	
08/05/2005	<a href="#">4</a>	ORDER REASSIGNING CASE. Case reassigned to Judge Samuel Conti for all further proceedings. Judge Bernard Zimmerman no longer assigned to case.. Signed by Executive Committee on 8/5/05. (as, COURT STAFF) (Filed on 8/5/2005) (Entered: 08/05/2005)	
08/05/2005	<a href="#">5</a>	ORDER OF RECUSAL. Signed by Judge Samuel Conti on 8/5/05. (tdm, COURT STAFF) (Filed on 8/5/2005) (Entered: 08/05/2005)	
08/08/2005	<a href="#">6</a>	ORDER REASSIGNING CASE. Case reassigned to Judge Maxine M. Chesney for all further proceedings. Judge Samuel Conti no longer assigned to case. Signed by EXECUTIVE COMMITTEE on 8/8/05. (ha, COURT STAFF) (Filed on 8/8/2005) (Entered: 08/08/2005)	
08/08/2005	<a href="#">7</a>	ORDER OF RECUSAL signed by Judge Maxine M. Chesney on August 8, 2005. Judge Maxine M. Chesney recused. (mmcsec, COURT STAFF) (Filed on 8/8/2005) (Entered: 08/08/2005)	
08/11/2005	<a href="#">8</a>	ORDER REASSIGNING CASE. Case reassigned to Judge Jeffrey S. White for all further proceedings. Judge Maxine M. Chesney no longer assigned to case. Signed by EXECUTIVE COMMITTEE on 8/11/05. (ha, COURT STAFF) (Filed on 8/11/2005) (Entered: 08/11/2005)	
08/15/2005	<a href="#">9</a>	INITIAL SCHEDULING CONFERENCE ORDER: Case Management Conference set for 11/18/2005 01:30 PM. Case Management Statement due by 11/10/2005.. Signed by Judge Jeffrey S. White on 8/12/05. (jjo, COURT STAFF) (Filed on 8/15/2005) (Entered: 08/15/2005)	
08/17/2005	<a href="#">10</a>	STIPULATION AND <i>[PROPOSED] ORDER TO CONTINUE FILING DATE FOR DEFENDANT'S RESPONSE TO PLAINTIFF'S COMPLAINT</i> by Intel Corporation. (Hockett, Christopher) (Filed on 8/17/2005) (Entered: 08/17/2005)	
08/18/2005	<a href="#">11</a>	ORDER GRANTING <a href="#">10</a> Stipulation to Continue Filing Date for Defendant's Response to Plaintiff's Complaint. Signed by Judge Jeffrey S. White on August 18, 2005. (jswlc3, COURTSTAFF) (Filed on 8/18/2005) (Entered: 08/18/2005)	
08/26/2005	<a href="#">12</a>	Statement of Facts <i>DEFENDANT INTEL CORPORATION'S FED. R. CIV. PROC. 7.1 AND CIVIL L.R. 3-16 DISCLOSURE STATEMENTS</i> filed by Intel Corporation. (Hockett, Christopher) (Filed on 8/26/2005) (Entered: 08/26/2005)	
10/04/2005	<a href="#">13</a>	ORDER RELATING CASE to C 05-2669 MHP; Case reassigned to Judge Marilyn H. Patel for all further proceedings; Signed by Judge Marilyn Hall Patel on 10/4/2005. (awb, COURT-STAFF) (Filed on 10/4/2005) (Entered: 10/04/2005)	
10/20/2005	<a href="#">14</a>	CLERK'S NOTICE re: Failure to E-File and/or Failure to Register as an E-Filer re: #1	

		Class Action Complaint. (gba, COURT STAFF) (Filed on 10/20/2005) (Entered: 10/20/2005)
10/28/2005	<a href="#">15</a>	STIPULATION AND [PROPOSED] ORDER TO STAY DATES, EVENTS AND DEADLINES PENDING THE OUTCOME OF THE MOTION TO TRANSFER AND COORDINATE OR CONSOLIDATE PURSUANT TO 28 U.S.C. SECTION 1407 by Intel Corporation. (Fuyuno, Joy) (Filed on 10/28/2005) (Entered: 10/28/2005)
11/01/2005	<a href="#">16</a>	ORDER STAYING CASE pending MDL determination; Signed by Judge Marilyn Hall Patel on 10/31/2005. (awb, COURT-STAFF) (Filed on 11/1/2005) (Entered: 11/01/2005)
11/17/2005	<a href="#">17</a>	Letter from Joy K. Fuyuno re MDL Transfer Order of November 8, 2005. (Attachments: # <a href="#">1</a> MDL Transfer Order)(Fuyuno, Joy) (Filed on 11/17/2005) (Entered: 11/17/2005)
01/05/2006	<a href="#">18</a>	ORDER STATISTICALLY DISMISSING CASE pending MDL determination; Signed by Judge Marilyn Hall Patel on 1/5/2006. (awb, COURT-STAFF) (Filed on 1/5/2006) (Entered: 01/05/2006)
01/10/2006	<a href="#">19</a>	ORDER of Transfer by the Judicial Panel on Multidistrict Litigation to transfer case to USDC for the District of Delaware (In Re Intel Corporation, Inc., Antitrust Litigation - MDL - 1717). (gba, COURT STAFF) (Filed on 1/10/2006) (Entered: 01/11/2006)
01/11/2006	<a href="#">20</a>	Certified copy of transfer order, docket sheet along with the original case file sent to USDC for the District of Delaware (MDL - 1717). (gba, COURT STAFF) (Filed on 1/11/2006) (Entered: 01/11/2006)

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KAROL JUSKIEWICZ, on behalf of himself ) Case No.  
and all others similarly situated, )  
Plaintiff, ) **CLASS ACTION COMPLAINT**  
vs. )  
INTEL CORPORATION, a Delaware ) **JURY TRIAL DEMANDED**  
Corporation, )  
Defendant. )

**CLASS ACTION COMPLAINT**

Plaintiff Karol Juskiewicz, individually and on behalf of all others similarly situated, brings this action for treble damages, injunctive relief, disgorgement, restitution, and costs of suit against Intel Corporation, and alleges:

**JURISDICTION AND VENUE**

1. This action arises under Sections 4 and 16 of the Clayton Act, 15 U.S.C. §§ 15 and 26, to obtain injunctive relief and to recover damages and the costs of suit, including reasonable attorneys' fees, for the injuries sustained by plaintiff and the members of the class

1 which it represents resulting from violations by Intel and its co-conspirators, as hereinafter  
2 alleged, of § 2 of the Sherman Act, 15 U.S.C. § 2.

3 2. Jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331, 1332 (as  
4 amended) and 1337. The Court also has supplemental jurisdiction of the pending state law claims  
5 under 28 U.S.C. § 1367.

6 3. The defendant named in this Complaint, Intel Corporation ("Intel"), transacts  
7 business, maintains an office or is found within this District, and Intel is within the jurisdiction of  
8 this Court for the purpose of service of process. The interstate commerce described hereinafter is  
9 carried on, in part, within this district. At all relevant times, the Intel marketed and sold x86  
10 microprocessors indirectly to purchasers in this district.

11 4. Venue is laid in this District pursuant to 15 U.S.C. § 22 and 28 U.S.C. § 1391.  
12 Intel's unlawful schemes designed to maintain their monopoly in the x86 microprocessor market,  
13 as further alleged herein, were carried out, in part, in this District. Intel and its subsidiaries are  
14 registered and qualified to do business in this District and a substantial part of the events giving  
15 rise to Plaintiff's claims occurred, and a substantial portion of the affected portion of the  
16 interstate trade and commerce described below has been carried out in this district.

### 17 DEFINITIONS

18 5. A general-purpose "microprocessor" is an integrated circuit capable of executing  
19 a menu of instructions and performing requested mathematical computations at very high speed.  
20 Microprocessors are defined by their instruction set—a computer's machine language  
21 instructions. Computer operating systems are software programs that perform those instructions  
22 so the computer can perform meaningful tasks. Microprocessors evolved to provide 16-bit  
23 capability (the original DOS processors); then, sometime later, 32-bit capability (allowing the  
24 use of advanced graphical interfaces such as later versions of Windows), and now 64-bit  
25 capability.

26 6. The "Class Period" or "relevant period" means the four year period preceding the  
27 filing of this Complaint.  
28



1           7.     "Person" means any individual, partnership, corporation, association, or other  
2 business or legal entity.

3                                   **PLAINTIFF**

4           8.     Plaintiff Karol Juskiewicz ("Juskiewicz") is a California resident. During the  
5 relevant period, Juskiewicz indirectly purchased an x86 microprocessor that was manufactured,  
6 distributed and/or sold by Intel during the class period, and has been injured by reason of the  
7 antitrust violations alleged in this Complaint.

8                                   **DEFENDANT**

9           9.     Defendant Intel Corporation is a Delaware Corporation with its principal  
10 executive offices in Santa Clara, California. Intel conducts business both directly and through  
11 wholly-owned and dominated subsidiaries world-wide. Intel and its subsidiaries design, produce  
12 and sell a wide variety of microprocessors, flash memory devices, and silicon-based products for  
13 use in the computer and communications industries.

14                               **DEFENDANTS AND CO-CONSPIRATORS**

15           10.    Various other persons, firms and corporations, not named as defendants herein,  
16 have participated as co-conspirators with Intel and have performed acts and made statements in  
17 furtherance of the conspiracy and/or in furtherance of the anticompetitive, unfair or deceptive  
18 conduct.

19           11.    Whenever in this Complaint reference is made to any act, deed or transaction of  
20 any corporation, the allegation means that the corporation engaged in the act, deed or transaction  
21 by or through its officers, directors, agents, employees or representatives while they were  
22 actively engaged in the management, direction, control or transaction of the corporation's  
23 business or affairs.

24                               **CLASS ACTION ALLEGATIONS**

25           12.    Plaintiff brings this action on behalf of himself and as a class action under the  
26 provision of Rule 23 of the Federal Rules of Civil Procedure on behalf of all members of the  
27 following class:  
28

1 All persons (excluding governmental entities, Intel, co-conspirators, their  
2 subsidiaries and affiliates) that indirectly purchased a microprocessor in the  
3 United States from Intel or any subsidiary or affiliate thereof, or any co-  
4 conspirator or any subsidiary or affiliate thereof, at any time during the last 4  
5 years.

6 13. This action has been brought and may properly be maintained as a class action  
7 pursuant to Rule 23 of the Federal Rules of Civil Procedure for the following reasons:

8 a. The Class is ascertainable and there is a well-defined community of  
9 interest among members of the Class;

10 b. Based upon the nature of trade and commerce involved and the number of  
11 indirect purchasers of x86 microprocessors, Plaintiff believes that the members of the Class  
12 number in the thousands, and therefore are sufficiently numerous that joinder of all Class  
13 members is not practicable;

14 c. Plaintiff's claims are typical of the claims of the members of the Class  
15 because Plaintiffs indirectly purchased an x86 microprocessor from Intel or its co-conspirators,  
16 and therefore Plaintiff's claims arise from the same common course of conduct giving rise to the  
17 claims of the members of the Class and the relief sought is common to the Class;

18 d. The following common questions of law or fact, among others, exist as to  
19 the members of the Class:

20 i. Whether Intel formed and operated a combination or conspiracy to  
21 fix, raise, maintain, or stabilize the prices of, or allocate the market for, microprocessors;

22 ii. Whether the combination or conspiracy caused microprocessor  
23 prices to be higher than they would have been in the absence of Intel's conduct;

24 iii. The operative time period of Intel's combination or conspiracy;

25 iv. Whether Intel's conduct caused injury to the business or property  
26 of plaintiff and the members of the Class;

27 v. The appropriate measure of the amount of damages suffered by the  
28 Class;

- vi. Whether Intel's conduct violates Sections 2 of the Sherman Act;
  - vii. Whether Intel's conduct violates Section 3 of the Clayton Act;
  - viii. Whether Intel's conduct violates Sections 16720 and 17200 of the California Business and Professions Code;
  - ix. Whether Intel's conduct violates the antitrust, unfair competition, and consumer protection laws of the other states alleged below; and
  - x. The appropriate nature of class-wide equitable relief.
- e. These and other questions of law and fact common to the members of the Class predominate over any questions affecting only individual members, including legal and factual issues relating to liability and damages;
  - f. After determination of the predominate common issues identified above, if necessary or appropriate, the Class can be divided into logical and manageable subclasses;
  - g. Plaintiff will fairly and adequately protect the interests of the Class in that Plaintiff has no interests that are antagonistic to other members of the Class and has retained counsel competent and experienced in the prosecution of class actions and antitrust litigation to represent him and the Class;
  - h. A class action is superior to other available methods for the fair and efficient adjudication of this litigation since individual joinder of all damaged Class members is impractical. The damages suffered by the individual Class members are relatively small, given the expense and burden of individual prosecution of the claims asserted in this litigation. Thus, absent the availability of class action procedures it would not be feasible for Class members to redress the wrongs done to them. Even if the Class members could afford individual litigation, the court system could not. Further, individual litigation presents the potential for inconsistent or contradictory judgments and would greatly magnify the delay and expense to all parties and the court system. Therefore, the class action device presents far fewer case management difficulties



1 and will provide the benefits of unitary adjudication, economy of scale and comprehensive  
2 supervision in a single court;

3 i. Intel has acted, and/or refused to act, on grounds generally applicable to  
4 the Class, thereby making appropriate final injunctive relief with respect to the Class as a whole;  
5 and

6 j. In the absence of a class action, Intel would be unjustly enriched because  
7 it would be able to retain the benefits and fruits of its wrongful conduct.

#### 8 INTERSTATE TRADE AND COMMERCE

9 14. Intel's activities, as described herein, were within the flow of, and substantially  
10 affected interstate commerce.

11 15. During the period of time covered by this Complaint, Intel sold and distributed  
12 microprocessors throughout the United States.

13 16. In connection with the manufacturing, distributing, selling and marketing of  
14 microprocessors, Intel has used instrumentalities of interstate commerce to sell, distribute and  
15 market microprocessors.

16 17. Sales of microprocessors in the United States total billions of dollars annually.

#### 17 FACTUAL BACKGROUND

18 18. When IBM defined the original PC standards in the early 1980s, it had available  
19 to it a variety of microprocessors. IBM opted for the Intel architecture, which utilized what  
20 became known as the x86 instruction set. However, IBM was unwilling to be consigned to a  
21 single source of supply, and demanded that Intel contract with Advanced Micro Devices, Inc.  
22 ("AMD") and license it to manufacture x86 chips as a second source. AMD agreed to abandon  
23 its own competing architecture and undertook to manufacture x86 chips as a second source of  
24 supply.

25 19. However, Intel's true objective was to become the sole-source for the x86  
26 microprocessor. To fully realize its objective, Intel engaged in an elaborate and insidious scheme  
27 to mislead AMD (and the public) into erroneously believing that AMD would be a second  
28

1 source, thereby keeping AMD from competing with Intel. Intel's conduct drained AMD's  
2 resources, delayed AMD's ability to reverse-engineer or otherwise develop and manufacture  
3 competitive products, and deterred AMD from pursuing relationships with other firms. This  
4 injured competition by deterring and impeding serious competitive challenges to Intel. AMD  
5 commenced arbitration proceedings against Intel because of these actions. In 1992, after five  
6 years of litigation, an arbitrator awarded AMD more than \$10 million plus pre-judgment interest  
7 and a permanent, non-exclusive and royalty-free license to any Intel intellectual property  
8 embodied in AMD's own x86 microprocessor, including the x86 instruction set. This award was  
9 confirmed by the California Supreme Court in *Advanced Micro Devices, Inc. v. Intel Corp.*, 9  
10 Cal. 4th 462 (1994).

11 20. Thereafter, AMD reinvented itself and in 1999 delivered its first x86 chip without  
12 Intel pin-compatibility, the Athlon microprocessor. AMD thereby beat Intel to market with a  
13 new generation Windows microprocessor, which was superior technologically to the Intel  
14 version.

15 21. AMD went on to be the first to bring to market its Opteron microprocessor for  
16 servers (the computers used by businesses to run corporate networks, e-commerce websites and  
17 other high-end, computationally-intense applications). Opteron was the industry's first x86  
18 backward compatible 64-bit chip. Six months later, AMD launched the Athlon64, a backward  
19 compatible 64-bit microprocessor for desktops and mobile computers. In this way, AMD has  
20 seized technological leadership in the microprocessor industry, and has been recognized as such  
21 with 70 technology leadership and industry awards, culminating in April 2005, when it was  
22 named "Processor Company of 2005", at an Intel-sponsored industry awards show.

23 22. AMD's market share has not kept pace with its technical leadership. Intel's  
24 misconduct, laid out below, is the reason.

### 25 THE x86 MICROPROCESSOR INDUSTRY

26 23. Intel has a dominant position in the personal computing industry because the x86  
27 version of dominant Windows and Linux operating systems have produced a huge installed base  
28 of Windows and Linux-compatible programs that can only run the x86 instruction set. Non-x86

1 microprocessors are not reasonably interchangeable with x86 microprocessors because none can  
2 run the x86 Windows or Linux operating systems or the application software written for them.

3 24. The relevant market in which to assess Intel's position is x86 microprocessors  
4 because a putative monopolist in this market would be able to raise the prices of x86  
5 microprocessors above a competitive level without losing so many customers to other  
6 microprocessors manufacturers as to make this increase unprofitable. While existing end-users  
7 can theoretically shift to other operating-system platforms, high switching costs associated with  
8 replacing hardware and software make this impractical. The number of new, first-time users who  
9 could choose a different operating-system platform is too small to prevent an x86 microprocessor  
10 monopolist from imposing a meaningful price increase for a non-transitory period of time.  
11 Computer manufacturers would also encounter high switching costs in moving from x86  
12 processors to other architectures, and no major computer maker has ever done it. In short,  
13 demand is not cross-elastic between x86 microprocessors and other microprocessors at the  
14 competitive level.

15 25. The relevant geographic market for x86 microprocessors in which to assess Intel's  
16 position is the United States, a submarket of the worldwide geographic market. Intel and AMD  
17 compete globally and nationally. Microprocessors can be easily and inexpensively shipped  
18 globally and nationally, and frequently are. The potential for arbitrage prevents chipmakers from  
19 pricing processors differently in different countries or different parts of the United States.

20 26. Intel dominates the worldwide x86 Microprocessor Market. Over the past several  
21 years it has consistently achieved more than a 90% market share as measured by revenue, while  
22 AMD's revenue share has remained at approximately 9%, with other microprocessor  
23 manufacturers relegated to less than 1%. Intel has captured at least 80% of the worldwide x86  
24 microprocessor unit sales in seven of the last eight years. Since 1999, AMD's worldwide volume  
25 has been approximately 15%.

26 27. The majority of x86 microprocessors are sold to a handful of large (Tier One)  
27 OEMs (original equipment manufacturers): Hewlett Packard ("HP"), which now owns Compaq  
28 Computer; Dell, Inc.; IBM; Gateway/eMachines; and Fujitsu/Fujitsu Siemens. Toshiba, Acer,

1 NEC and Sony are also commonly viewed as Tier One OEMs in the notebook segment of the PC  
2 market. The balance of x86 microprocessors are sold to smaller system builders and to  
3 independent distributors. The latter, in turn, sell to small OEMs, regional computer assemblers,  
4 value-added resellers and other, smaller distributors. Currently, distributors account for over half  
5 of AMD's sales.

#### 6 INTEL'S UNLAWFUL PRACTICES

7 28. Intel has unlawfully maintained its x86 microprocessor monopoly by engaging in  
8 a relentless, worldwide campaign to coerce customers to refrain from dealing with AMD that has  
9 resulted in consumers paying higher prices for x86 microprocessors and left them with fewer  
10 buying choices for such microprocessors. Among other things:

- 11 a. Intel has forced major direct customers (OEMs) into exclusive and near-  
12 exclusive deals;
- 13 b. Intel has conditioned rebates, allowances, and market development funding on  
14 direct customer's agreement to severely limit or forego entirely purchases  
15 from AMD;
- 16 c. Intel has established a system of discriminatory, retroactive, first-dollar  
17 rebates triggered by purchases at such high levels as to have the practical and  
18 intended effect of denying customers the freedom to purchase any significant  
19 volume of processors from AMD;
- 20 d. Intel has threatened retaliation against direct customers introducing AMD  
21 computer platforms, particularly in strategic market segments;
- 22 e. Intel has established and enforced quotas among key retailers effectively  
23 requiring them to stock almost exclusively, if not exclusively, Intel-powered  
24 computers, thereby artificially limiting consumer choice;
- 25 f. Intel has forced PC makers and technology partners to boycott AMD product  
26 launches and promotions; and  
27  
28



1 g. Intel has abused its market power by forcing on the industry technical  
2 standards and products which have as their central purpose the handicapping  
3 of AMD in the marketplace.

4 29. Intel's economic coercion of customers extends to all levels—from large  
5 computer makers like Hewlett-Packard and IBM to small system-builders to wholesale  
6 distributors to retailers such as Circuit City. All must either accept conditions that exclude AMD  
7 or suffer discriminatory pricing and competitively-crippling treatment. In this way, Intel has  
8 avoided competition on the merits and deprived AMD of the opportunity to stake its prices and  
9 quality against Intel's for every potential microprocessor sale.

10 30. In response to AMD's technology advances in recent years, Intel's conduct  
11 became increasingly egregious, increasing exploitation of its market power to pressure customers  
12 to refrain from migrating to AMD's superior, lower-cost microprocessors.

13 31. The Japanese government recognized these competitive harms when on March 8,  
14 2005, its Fair Trade Commission (the "JFTC") recommended that Intel be sanctioned for its  
15 exclusionary misconduct directed at AMD. Intel chose not to contest these charges. The  
16 European Commission has also recently stepped up its investigation of Intel's marketing  
17 practices. On July 12, 2005, it was confirmed that the Commission had conducted raids against  
18 Intel in Europe.

#### 19 EFFECTS OF INTEL'S MISCONDUCT

20 32. Intel's conduct has caused computer manufacturers to continue to buy most of  
21 their requirements from Intel, continue to pay monopoly prices, continue to be exposed to Intel's  
22 economic coercion, and continue to submit to artificial limits Intel places on their purchases from  
23 AMD. With AMD's opportunity to compete thus constrained, the cycle continues, and Intel's  
24 monopoly profits continue to accrue.

25 33. Consumers such as Plaintiff and the Class members ultimately foot this bill, in the  
26 form of inflated PC prices, and the loss of freedom to purchase computer products that best fit  
27 their needs. Consumers are worse off for lack of innovation that only a truly competitive market  
28 can drive.



**VIOLATIONS ALLEGED**

**First Claim for Relief**

**(Violation of Section 2 of the Sherman Act)**

34. Plaintiff incorporates and realleges, as though fully set forth herein, each and every allegation set forth in the preceding paragraphs of this Complaint.

35. The x86 Microprocessor Market is a relevant product market within the meaning of the antitrust laws.

36. The relevant geographic market is worldwide and a relevant geographic submarket is the United States.

37. Intel possesses monopoly power in the relevant market, maintaining a market share of over 90% by revenue and 80% by unit volume.

38. Substantial barriers to entry and expansion exist in the relevant market.

39. Intel has the power to control prices and exclude competition.

40. Intel has engaged in conduct with anticompetitive effects:

a. To unlawfully maintain and enhance its monopoly in the relevant market and to keep prices high; and

b. To stifle competition and to eliminate consumer choice through unlawfully exclusionary behavior designed to keep ADM weak, undersized, and unable to achieve a minimum scale of operation to become a viable substitute for Intel with respect to significant customers, or to an essential portion of the market.

It has done so with intent to maintain its monopoly in the relevant market.

41. Intel has also combined and conspired with others, including others identified above, to monopolize the market for x86 microprocessors in the United States and elsewhere.

42. There is no legitimate business justification for Intel's conduct.

43. Plaintiff and the members of the class have been injured and will continue to be injured in their business and property by paying more for x86 microprocessors purchased indirectly from Intel and its co-conspirators than they would have and will pay in the absence of the combination and conspiracy, including paying more for personal computers and other

1 products in which microprocessors are a component as a result of the higher prices paid for  
2 microprocessors by the manufacturers of those products.

3 44. Plaintiff and the class are entitled to an injunction against Intel, preventing and  
4 restraining the violations alleged herein. Plaintiff and the members of the Class have no adequate  
5 remedy at law for Intel's ongoing or threatened conduct.

6 **Second Claim for Relief**

7 **(Violation of the California Cartwright Act)**

8 45. Plaintiff incorporates and realleges, as though fully set forth herein, each and  
9 every allegation set forth in the preceding paragraphs of this Complaint.

10 46. Intel's unlawful conduct was centered in, carried out, effectuated and perfected  
11 mainly within the State of California, and Intel's conduct within the State of California injured  
12 all members of the Class throughout the United States. Therefore, this claim for relief under  
13 California law is brought on behalf of all members of the Class, whether or not they are  
14 California residents.

15 47. Intel and certain co-conspirators entered into and engaged in a continuing  
16 unlawful trust in restraint of the trade and commerce described above in violation of Section  
17 16720, California Business and Professions Code. Intel and others have agreed, combined and  
18 conspired in violation of Section 16720 to monopolize the x86 microprocessor market through  
19 unlawful means.

20 48. The aforesaid violations of Section 16720, California Business and Professions  
21 Code, consisted, without limitation, of a continuing unlawful trust and concert of action among  
22 the Intel and its co-conspirators.

23 49. In formulating and carrying out the alleged agreement, understanding, and  
24 conspiracy, Intel and its co-conspirators did those things that they conspired to do, including but  
25 not limited to the acts, practices and course of conduct set forth above, and the following, among  
26 others:

- 27 a. Entered arrangements for exclusive and near-exclusive dealing;  
28 b. Entered into arrangements for secret funding, rebates, and discounts;

- c. Monitored and controlled the activities of AMD customers, sanctioning those who acted contrary to the interests of Intel and its co-conspirators; and
- d. Employed other mechanisms also designed to divert sales and customers away from AMD or other competitors.

50. The combination and conspiracy alleged herein has had the following effects, among others:

- a. Price competition in the sale of x86 microprocessors has been restrained, suppressed, and/or eliminated in the State of California and throughout the United States;
- b. Prices for x86 microprocessors sold by Intel and its co-conspirators have been fixed, raised, maintained, and stabilized at artificially high, non-competitive levels in the State of California and throughout the United States; and
- c. Those who purchased x86 microprocessors directly or indirectly from Intel and its co-conspirators have been deprived of the benefits of free and open competition.

51. As a direct and proximate result of the illegal combinations, trusts, agreements, understandings and concert of action, Plaintiff and the members of the Class have been injured, and will continue to be injured in their business and property by paying more for x86 microprocessors purchased indirectly from Intel and its co-conspirators than they would have, and will pay, in the absence of the combination and conspiracy, including paying more for personal computers and other products in which microprocessors are a component as a result of the higher prices paid for microprocessors by the manufacturers of those products.

52. As a result of Intel's and its co-conspirator's violation of Section 16720 of the California Business and Professions Code, Plaintiff seeks treble damages and costs of suit, including reasonable attorneys' fees, pursuant to Section 16750(a) of the California Business and Professions Code.

//

**Third Claim for Relief**

**(Violation of the California Unfair Competition Law)**

53. Plaintiff incorporates and realleges, as though fully set forth herein, each and every allegation set forth in the preceding paragraphs of this Complaint.

54. Intel's business acts and practices were centered in, carried out, effectuated and perfected mainly within the State of California, and Intel's conduct within California injured all members of the Class throughout the United States. Therefore, this claim for relief under California law is brought on behalf of all members of the Class, whether or not they are California residents.

55. Intel has committed and continues to commit, acts of unfair competition, as defined in Section 17200, *et seq.* of the California Business and Professions Code, by engaging in the acts and practices specified above.

56. This claim is instituted pursuant to Sections 17203 and 17204 of the California Business and Professions Code, to obtain restitution from Intel and its co-conspirators for acts, as alleged herein, that violated Section 17200 of the California Business and Professions Code, commonly known as the Unfair Competition Law.

57. Intel's conduct as alleged herein violated Section 17200. The acts, omissions, misrepresentations, practices, and non-disclosures of Intel and its co-conspirators, as alleged herein, constituted a common continuous course of conduct of unfair competition by means of unfair, unlawful, and/or fraudulent business acts or practices within the meaning of California Business and Professions Codes, Section 17200, *et seq.*, including but not limited to, the following:

- a. The violations of Section 2 of the Sherman Act, as set forth above;
- b. Violations of Section 3 of the Clayton Act (15 U.S.C. §14);
- c. The violations of Section 16720, *et seq.*, 17045, 17046, 17047, and 17048 of the California Business and Professions Code;
- d. Intel's acts, omissions, misrepresentations, practices and non-disclosures, as described above, whether or not in violation of Section 16720, *et seq.* of the



1 California Business and Professions Code, and whether or not concerted or  
2 independent acts, are otherwise unfair, unconscionable, unlawful or  
3 fraudulent;

4 e. Intel's acts and practices are unfair to consumers of x86 microprocessors in  
5 the State of California and throughout the United States, within the meaning of  
6 Section 17200 of the California Business and Professions Code; and

7 f. Intel's acts and practices are fraudulent or deceptive within the meaning of  
8 Section 17200 of the California Business and Professions Code.

9 58. Plaintiff and each of the Class members are entitled to full restitution and/or  
10 disgorgement of all revenues, earnings, profits, compensation and benefits which may have been  
11 obtained by Intel and its co-conspirators as a result of such business acts or practices.

12 59. The illegal conduct alleged herein is continuing and there is no indication that  
13 Intel will not continue such activity in the future.

14 60. The unlawful and unfair business practices of Intel, as described above, have  
15 caused and continue to cause Plaintiff and the members of the Class to pay supra-competitive and  
16 artificially inflated prices for Intel's x86 microprocessors. Plaintiff and the members of the Class  
17 suffered injury in fact and lost money or property as a result of such unfair competition.

18 61. The conduct of Intel as alleged in this Complaint violates Section 17200 of the  
19 California Business and Professions Code.

20 62. As alleged in this Complaint, Intel has been unjustly enriched as a result of its  
21 wrongful conduct and by Intel's unfair competition. Plaintiff and the members of the Class are  
22 accordingly entitled to equitable relief including restitution and/or disgorgement of all revenues,  
23 earnings, profits, compensation and benefits which may have been obtained by Intel as a result of  
24 such business practices, pursuant to California Business and Professions Code, Sections 17203  
25 and 17204.

26 //

27 //



**Fourth Claim for Relief**

**(Violation of California's Tort Law Against Monopoly)**

63. Plaintiff incorporates and realleges, as though fully set forth herein, each and every allegation set forth in the preceding paragraphs of this Complaint.

64. By virtue of the conduct described above, Intel has engaged in tortious and unlawful monopolization of the x86 microprocessor market.

65. Such conduct gives rise to a cause of action for common law monopoly under California law.

66. As a direct and proximate result of Intel's acts of monopolization alleged herein, Plaintiff and the members of the Class have suffered actual damages in an amount to be proven at trial.

67. Intel's acts of monopolization described herein were intended to monopolize and suppress competition in the relevant market and to injure customers. Intel's acts included acts of fraud, malice, and oppression and were undertaken with conscious disregard of the rights of consumers, including Plaintiff and members of the Class. Accordingly, an award of punitive damages is justified in order to make an example of Intel, to punish it, and to deter others from engaging in the same or similar conduct. Plaintiff and members of the Class seek an award of punitive damages in an amount according to proof at trial.

**Fifth Claim for Relief**

**(Violation of State Antitrust and Unfair Competition Laws)**

68. Plaintiff incorporates and realleges, as though fully set forth herein, each and every allegation set forth in the preceding paragraphs of this Complaint.

69. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of Alabama Code §§8-10-1, *et seq.*

70. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of Arizona Revised Stat. §§44-1401, *et seq.*

71. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of California Business and Professions Code §§ 16720 *et seq.* and California Business and Professions Code §§ 17200 *et seq.*

72. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of District of Columbia Code Ann. §§ 28-4503 *et seq.*

73. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of Iowa Code §§ 553.1 *et seq.*

74. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of Kansas Stat. Ann. §§ 50-101 *et seq.*

75. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of Maine Rev. Stat. Ann. 10, §§ 1101 *et seq.*

76. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of Michigan Comp. Laws Ann. §§ 445.773 *et seq.*

77. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of Minnesota Stat. §§ 325 D.52 *et seq.*

78. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of Mississippi Code Ann. § 75-21-1 *et seq.*

79. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of Nebraska Rev. Stat. §§ 59-801 *et seq.*

80. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of Nevada Rev. Stat. Ann. §§ 598A *et seq.*

81. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of New Mexico Stat. Ann. §§ 57-1-1 *et seq.*

82. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of North Carolina Gen. Stat. §§ 75-1 *et seq.*

83. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of North Dakota Cent. Code §§ 51-08.1 *et seq.*

84. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of Ohio Rev. Code Ann. §§13301.1 *et seq.*

85. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of Pennsylvania common law.

86. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of South Dakota Codified Laws Ann. §§37-1 *et seq.*

87. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of Tennessee Code Ann. §§ 47-25-101 *et seq.*

88. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of Vermont Stat. Ann. 9 §§ 2453 *et seq.*

89. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of West Virginia §§47-18-1 *et seq.*

90. By reason of the foregoing, Intel has entered into agreements in restraint of trade in violation of Wisconsin Stat. §§ 133.01 *et seq.*

91. Class members in each of the states listed above paid supra-competitive, artificially inflated prices for Intel's x86 microprocessors. As a direct and proximate result of Intel's unlawful conduct, Plaintiff and such members of the Class have been injured in their business and property in that they paid more for x86 microprocessors than they otherwise would have paid in the absence of Intel's unlawful conduct.

#### **Sixth Claim for Relief**

##### **(Violation of State Consumer Protection and Unfair Competition Laws)**

92. Plaintiff incorporates and realleges, as though fully set forth herein, each and every allegation set forth in the preceding paragraphs of this Complaint.

93. Intel engaged in unfair competition or unfair, unconscionable, deceptive or fraudulent acts or practices in violation of the state consumer protection and unfair competition statutes listed below.

94. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of Alaska Stat. §§45.50.471 *et seq.*

95. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of Arkansas Code §§4-88-101 *et seq.*

96. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of California Bus. & Prof. Code § 17200 *et seq.*

97. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of District of Columbia Code § 28-3901 *et seq.*

98. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of Florida Stat. § 501.201 *et seq.*

99. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of Hawaii Rev. Stat. §480 *et seq.*

100. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of Idaho Code §48-601 *et seq.*

101. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of Kansas Stat. §50-623 *et seq.*

102. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of Louisiana Rev. Stat. §51:1401 *et seq.*

103. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of 5 Maine Rev. Stat. §207 *et seq.*

104. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of Montana Code §30-14-101 *et seq.*

105. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of Nebraska Rev. Stat. §59-1601 *et seq.*

106. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of New Mexico Stat. §57-12-1 *et seq.*

107. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of New York Gen. Bus. Law §349 *et seq.*

108. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of North Carolina Gen. Stat. §75-1.1 *et seq.*



109. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of Oregon Rev. Stat. §646.605 *et seq.*

110. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of Rhode Island Gen. Laws §6-13.1-1 *et seq.*

111. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of South Carolina Code Laws §39-5-10 *et seq.*

112. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of Utah Code §13-11-1 *et seq.*

113. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of 9 Vermont §2451 *et seq.*

114. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of West Virginia Code §46A-6-101 *et seq.*

115. Intel has engaged in unfair competition or unfair or deceptive acts or practices in violation of Wyoming Stat. §40-12-105.

116. Class members in the states listed above paid supra-competitive, artificially inflated prices for x85 microprocessors. As a direct and proximate result of Intel's unlawful conduct, Plaintiff and such members of the Class have been injured in their business and property in that they paid more for x86 microprocessors than they otherwise would have paid in the absence of Intel's unlawful conduct.

#### **Seventh Claim for Relief**

##### **(Unjust Enrichment and Disgorgement of Profits)**

117. Plaintiff incorporates and realleges, as though fully set forth herein, each and every allegation set forth in the preceding paragraphs of this Complaint.

118. Intel has been unjustly enriched through overpayments by Plaintiff and the Class members and the resulting profits.

119. Under common law principles of unjust enrichment, Intel should not be permitted to retain the benefits conferred via overpayments by Plaintiff and the members of the Class.



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

	)	
	)	
KAROL JUSKIEWICZ	)	
Plaintiff(s)	)	
	)	C 05-03094 BZ
-v-	)	
	)	ORDER SETTING INITIAL CASE MANAGEMENT
INTEL CORPORATION	)	CONFERENCE
Defendant(s)	)	
	)	

IT IS HEREBY ORDERED that this action is assigned to the Honorable Bernard Zimmerman. When serving the complaint or notice of removal, the plaintiff or removing defendant must serve on all other parties a copy of this order, the handbook entitled "Dispute Resolution Procedures in the Northern District of California," the Notice of Assignment to United States Magistrate Judge for Trial, and all other documents specified in Civil Local Rule 4-2. Counsel must comply with the case schedule listed below unless the Court otherwise orders.

IT IS FURTHER ORDERED that this action is assigned to the Alternative Dispute Resolution (ADR) Multi-Option Program governed by ADR Local Rule 3. Counsel and clients must familiarize themselves with that rule and with the handbook entitled "Dispute Resolution Procedures in the Northern District of California."

CASE SCHEDULE [ADR MULTI-OPTION PROGRAM]

Date	Event	Governing Rule
07/29/2005	Complaint filed	
11/07/2005	Last day to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan	FRCivP 26(f) & ADR LR 3-5
11/07/2005	Last day to file Joint ADR Certification with Stipulation to ADR process or Notice of Need for ADR Phone Conference	Civil L.R. 16-8
11/21/2005	Last day to complete initial disclosures or state objection in Rule 26(f) Report, file/serve Case Management Statement, and file/serve Rule 26(f) Report	FRCivP 26(a)(1) Civil L.R.16-9
11/28/2005	Case Management Conference in Ctrm G, 15th Floor, SF at 4:00 PM	Civil L.R. 16-10

## STANDING ORDERS

1. Within 30 days of filing a complaint, plaintiff shall serve and file either a written consent to Magistrate Judge Zimmerman's jurisdiction or a written request for reassignment to a district judge. Within 30 days of being served with a complaint or third party complaint, a defendant or third party defendant shall serve and file either a written consent to Magistrate Judge Zimmerman's jurisdiction or a written request for reassignment to a district judge.

2. Civil law and motion is heard on the first and third Wednesdays of every month at 10:00 a.m. Criminal law and motion is heard on the second and fourth Wednesdays of every month at 1:30 p.m.

3. A copy of any brief or other document containing a legal citation **shall** be submitted to chambers on a diskette formatted preferably in WordPerfect 5, 6, 8 or 9. A chambers copy of any document **may** be submitted on CD-ROM with hypertext links to exhibits.

4. Any proposed order in a case subject to electronic filing shall be sent by e-mail to: [bzpo@cand.uscourts.gov](mailto:bzpo@cand.uscourts.gov). This address is to be used only for proposed orders unless otherwise directed by the court.

5. Unless expressly requested by the Court, documents should **not be faxed** to chambers but should be filed or lodged in accordance with the Local Rules of Court. The Court should not be routinely copied on correspondence between counsel.

6. Motions for **summary judgment** shall be accompanied by a statement of the material facts not in dispute supported by citations to admissible evidence. The

1 parties shall file a joint statement of undisputed facts where possible. If the parties are  
2 unable to reach complete agreement after meeting and conferring, they shall file a joint  
3 statement of the undisputed facts about which they do agree. Any party may then file a  
4 separate statement of the additional facts that the party contends are undisputed. A  
5 party who without substantial justification contends that a fact is in dispute is subject to  
6 sanctions.

7  
8 7. Parties are reminded that most procedural questions are answered in the  
9 Local Rules or these Standing Orders. Parties should not contact Chambers for  
10 answers to procedural questions. The Local Rules are available for public viewing at  
11 the Court's internet site - <http://www.cand.uscourts.gov>.

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14 **IT IS SO ORDERED.**

15  
16 Dated: January 17, 2002

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BERNARD ZIMMERMAN  
United States Magistrate Judge  
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KAROL JUSKIEWICZ  
Plaintiff(s),  
v.  
INTEL CORPORTION,  
Defendant(s).

NOTICE OF RECUSAL

Dated: August 4, 2005

G:\BZALL\BZCASES\MISC\JUSKIEWICZ RECUSAL.ORD.wpd

UNITED STATES DISTRICT COURT  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, California 94102

www.cand.uscourts.gov

Richard W. Wieking  
Clerk

General Court Number  
415.522.2000

**August 5, 2005**

**CASE NUMBER: CV 05-03094 BZ**

**CASE TITLE: KAROL JUSKIEWICZ-v-INTEL CORPORATION**

**REASSIGNMENT ORDER**

GOOD CAUSE APPEARING THEREFOR,

IT IS ORDERED that this case is reassigned to the **San Francisco** division.

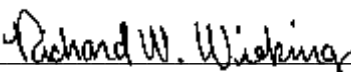
**Honorable SAMUEL CONTI** for all further proceedings.

Counsel are instructed that all future filings shall bear the initials **SC** immediately after the case number.

ALL MATTERS PRESENTLY SCHEDULED FOR HEARING ARE VACATED AND SHOULD BE RENOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THE CASE HAS BEEN REASSIGNED.

Date: 8/5/05

FOR THE EXECUTIVE COMMITTEE:

  
Clerk

NEW CASE FILE CLERK:

Copies to: Courtroom Deputies  
Log Book Noted

Special Projects  
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CASE SYSTEMS ADMINISTRATOR:  
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Transferor CSA





IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KAROL JUSKIEWICZ

No. C-05-3094-SC

Plaintiff,

**ORDER OF RECUSAL**

v.

INTEL CORPORATION

Defendant.

TO ALL PARTIES AND COUNSEL OF RECORD:

I, the undersigned judge of the court, finding myself disqualified in the above-entitled action, hereby recuse myself from this case and request that the case be reassigned pursuant to the provisions of General Order 44 paragraph E.2 of the Assignment Plan.

All pending dates of motions, pretrial conferences and trial are hereby vacated and will be reset by the newly assigned judge.

**IT IS SO ORDERED.**

Dated: 8/5/05

  
\_\_\_\_\_  
SAMUEL CONTI  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, California 94102

www.cand.uscourts.gov

Richard W. Wieking  
Clerk

General Court Number  
415.522.2000

August 8, 2005

**CASE NUMBER: CV 05-03094 SC**

**CASE TITLE: KAROL JUSKIEWICZ-v-INTEL CORPORATION**

REASSIGNMENT ORDER

GOOD CAUSE APPEARING THEREFOR,

IT IS ORDERED that this case is reassigned to the **SAN FRANCISCO** division.

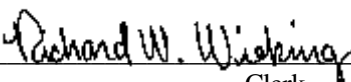
**Honorable MAXINE M. CHESNEY** for all further proceedings.

Counsel are instructed that all future filings shall bear the initials **MMC** immediately after the case number.

ALL MATTERS PRESENTLY SCHEDULED FOR HEARING ARE VACATED AND SHOULD BE RENOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THE CASE HAS BEEN REASSIGNED.

Date: 8/8/05

FOR THE EXECUTIVE COMMITTEE:

  
Clerk

NEW CASE FILE CLERK:

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CASE SYSTEMS ADMINISTRATOR:  
Copies to: All Counsel

Transferor CSA



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KAROL JUSKIEWICZ,  
Plaintiff,

No. C 05-03094 MMC

**ORDER OF RECUSAL**

v.


INTEL CORPORATION,  
Defendant.

I, the undersigned Judge of the Court, finding myself disqualified in the above-entitled action, hereby recuse myself from this case and request that the case be reassigned pursuant to the provisions of the Assignment Plan.

All pending dates of motions, pretrial conferences and trial are hereby vacated and are to be reset by the newly assigned Judge.

**IT IS SO ORDERED.**

Dated: August 8, 2005

  
MAXINE M. CHESNEY  
United States District Judge



UNITED STATES DISTRICT COURT  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, California 94102

www.cand.uscourts.gov

Richard W. Wieking  
Clerk

General Court Number  
415.522.2000

**August 11, 2005**

**CASE NUMBER: CV 05-03094 MMC**

**CASE TITLE: KAROL JUSKIEWICZ-v-INTEL CORPORATION**

**REASSIGNMENT ORDER**

GOOD CAUSE APPEARING THEREFOR,

IT IS ORDERED that this case is reassigned to the **SAN FRANCISCO** division.

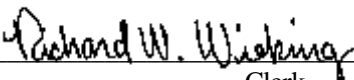
**Honorable JEFFREY S. WHITE** for all further proceedings.

Counsel are instructed that all future filings shall bear the initials **JSW** immediately after the case number.

ALL MATTERS PRESENTLY SCHEDULED FOR HEARING ARE VACATED AND SHOULD BE RENOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THE CASE HAS BEEN REASSIGNED.

Date: 8/11/05

FOR THE EXECUTIVE COMMITTEE:

  
Clerk

NEW CASE FILE CLERK:

Copies to: Courtroom Deputies  
Log Book Noted

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CASE SYSTEMS ADMINISTRATOR:  
Copies to: All Counsel

Transferor CSA



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KAROL JUSKIEWICZ,  
Plaintiff,

v.

INTEL CORPORATION,  
Defendant.

No. C 05-03094 JSW

**ORDER SETTING CASE  
MANAGEMENT CONFERENCE AND  
REQUIRING JOINT CASE  
MANAGEMENT CONFERENCE  
STATEMENT**

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter having been reassigned to the Honorable Jeffrey S. White, it is hereby ordered that, pursuant to Fed. R. Civ. P. 16(b) and Civil L. R. 16-10, a Case Management Conference shall be held in this case on November 18, 2005, at 1:30 p.m., in Courtroom 2, 17th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

The parties shall appear through lead counsel to discuss all items referred to in this Order and with authority to enter stipulations, to make admissions, and to agree to further scheduling dates.

The parties shall file a joint case management statement and proposed order no later than **five (5) court days** prior to the conference. If any party is proceeding without counsel, separate statements may be filed by each party. Any request to reschedule the date of the conference shall be made in writing, and by stipulation if possible, at least ten (10) calendar days before the date of the conference and must be based upon good cause. Lead counsel shall meet and confer as required by Fed. R. Civ. P. 26(f) prior to the Case Management Conference with respect to those subjects set forth below. The statements shall not exceed twelve (12) pages in length and shall address the following items in the following order:

1. A brief description of the basis for this Court's subject-matter jurisdiction, whether any issue exists regarding personal jurisdiction or venue, and whether any parties remain to be served;
2. A brief description of the case and defenses, the several key factual events underlying the action, and a brief description of any related proceeding, including any administrative proceedings;
3. A brief description of the legal issues genuinely in dispute, including whether there are any dispositive or partially dispositive issues appropriate for decision by motion or by agreement;
4. A brief description of the procedural history of the matter, including a list of all pending motions and their current status;
5. A brief description of the scope of discovery to date, including whether there has been a full and timely compliance with the initial disclosure requirements of Fed. R. Civ. P. 26;
6. A formal, agreed-upon plan of the discovery each party intends to pursue, including, but not limited to, based upon the nature of the case, the scope and duration of the discovery and whether the parties can limit discovery in any manner, such as using phased discovery to or limiting the scope of initial discovery matters, as well as a list of key witnesses who the parties deem essential to prove their claims or defenses, and the information each party deems essential to obtain from the other party to prove their claims or defenses;
7. A brief description of the motions each party intends to pursue before trial, the extent to which new parties will be added or existing parties deleted, and the extent to which evidentiary, claim-construction or class certification hearings are anticipated;
8. A brief description of the relief sought, including the method by which damages are computed;
9. ADR efforts to date and a specific ADR plan for the case, whether the parties have complied with Civil L. R. 16-8(b) regarding ADR certification, and the prospects for

settlement including whether either party wishes to have a settlement conference with another judge or magistrate;

10. Whether all parties will consent to assignment of the case to a magistrate judge to conduct all further proceedings including trial;
11. Proposed deadlines and court dates, including a discovery cut-off, hearing dispositive motions, pretrial conference and trial date, the anticipated length of trial, the approximate number of witnesses, experts and exhibits, whether the case will be tried by jury or to the Court, whether it is feasible to bifurcate issues for trial or reduce the length of the trial by stipulation, use of summaries or statements, or other expedited means of presenting evidence;
12. A current service list for all counsel, including telephone and facsimile numbers;
13. To the extent not specifically addressed above, all other items set forth in Civil L. R. 16-10.
14. In order to assist the Court in evaluating any need for disqualification or recusal, the parties shall disclose to the Court the identities of any person, associations, firms, partnerships, corporations or other entities known by the parties to have either (1) financial interest in the subject matter at issue or in a party to the proceeding; or (2) any other kind of interest that could be substantially affected by the outcome of the proceeding. If disclosure of non-party interested entities or persons has already been made as required by Civil L. R. 3-16, the parties may simply reference the pleading or document in which the disclosure was made. In this regard, counsel are referred to the Court's Recusal Order posted on the Court website at the Judges Information link at [www.cand.uscourts.gov](http://www.cand.uscourts.gov).

**IT IS SO ORDERED.**

Dated: August 12, 2005

  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE



**United States District Court**

For the Northern District of California

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BINGHAM McCUTCHEN

Joy K. Fuyuno  
Direct Phone: (415) 393-2386  
joy.fuyuno@bingham.com

November 17, 2005

**Via E-Filing**

The Honorable Marilyn H. Patel  
United States District Court, Northern District of California  
450 Golden Gate Avenue  
Courtroom 15, 18<sup>th</sup> Floor  
San Francisco, CA 94102

Bingham McCutchen LLP  
Three Embarcadero Center  
San Francisco, CA  
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London  
Los Angeles  
New York  
Orange County  
San Francisco  
Silicon Valley  
Tokyo  
Walnut Creek  
Washington

**Re: (1) *Lipton v. Intel Corp.*, No. C-05-2669-MHP; (2) *Prohias v. Intel Corp.*, No. C-05-2699-MHP; (3) *Konieczka v. Intel Corp.*, No. C-05-2700-MHP; (4) *Niehaus v. Intel Corp.*, No. C-05-2720-MHP; (5) *Hamilton v. Intel Corp.*, No. C-05-2721-MHP; (6) *Brauch v. Intel Corp.*, No. C-05-2743-MHP; (7) *Baxley v. Intel Corp.*, No. C-05-2758-MHP; (8) *Frazier v. Intel Corp.*, No. C-05-2813-MHP; (9) *Dickerson v. Intel Corp.*, No. C-05-2818-MHP; (10) *The Harman Press v. Intel Corp.*, No. C-05-2823-MHP; (11) *Shanghai 1930 Restaurant v. Intel Corp.*, No. C-05-2830-MHP; (12) *Benjamin Allanoff v. Intel Corp.*, No. C-05-2834-MHP; (13) *Major League Softball, Inc. v. Intel Corp.*, No. C-05-2831-MHP; (14) *Lazio Family Products v. Intel Corp.*, No. C-05-2859-MHP; (15) *Law Offices Laurel Stanley & Wm. Cronin v. Intel Corp.*, No. C-05-2858-MHP; (16) *Walker v. Intel Corp.*, No. C-05-2882-MHP; (17) *Naigow v. Intel Corp.*, No. C-05-2898-MHP; (18) *Stoltz v. Intel Corp.*, No. C-05-2897-MHP; (19) *Hewson v. Intel Corp.*, No. C-05-2916-MHP; (20) *Lang v. Intel Corp.*, No. C-05-2957-MHP; (21) *Trotter-Vogel Realty, Inc. d/b/a Prudential California Realty v. Intel Corp.*, No. C-05-3028-MHP; (22) *Juskiewicz v. Intel Corp.*, No. C-05-3094-MHP; (23) *Uwakwe, d/b/a/ Tom Cyp Computers v. Intel Corp.*, No. C-05-3197-MHP; (24) *Juan v. Intel Corp.*, No. C-05-3271-MHP; (25) *Dressed to Kill Draperies, LLC, v. Intel Corp.*, No. C-05-3272-MHP; (26) *Kinder v. Intel Corp.*, No. C-05-3273-MHP; (27) *Rush v. Intel Corp.*, No. C-05-3277-MHP**

Dear Judge Patel:

Per the stipulations and orders entered in the above captioned cases,<sup>1</sup> I am writing to notify the Court of the MDL transfer order entered November 8, 2005, a copy of which is

---

<sup>1</sup> Orders were entered in most of the cases staying all dates and requiring notification to the Court of entry of the MDL decision. Stipulations staying all dates pending the MDL decision were filed in all cases except one (*Dickerson*), in which the parties agreed to the terms of the stipulation but which was not yet signed when the MDL decision issued.

Hon. Marilyn H. Patel  
November 17, 2005  
Page 2

attached. The Judicial Panel on Multidistrict Litigation has ordered that the following 10 actions originally filed in the Northern District of California against Intel Corporation be centralized under 28 U.S.C. § 1407 in the District of Delaware as MDL 1717 (*In re Intel Corp. Microprocessor Antitrust Litigation*):

(1) *Lipton v. Intel Corp.*, No. C-05-2669-MHP; (2) *Prohias v. Intel Corp.*, No. C-05-2699-MHP; (3) *Konieczka v. Intel Corp.*, No. C-05-2700-MHP; (4) *Niehaus v. Intel Corp.*, No. C-05-2720-MHP; (5) *Hamilton v. Intel Corp.*, No. C-05-2721-MHP; (6) *Brauch v. Intel Corp.*, No. C-05-2743-MHP; (7) *Baxley v. Intel Corp.*, No. C-05-2758-MHP; (8) *Frazier v. Intel Corp.*, No. C-05-2813-MHP; (9) *Dickerson v. Intel Corp.*, No. C-05-2818-MHP; and (10) *The Harman Press v. Intel Corp.*, No. C-05-2823-MHP.

Tagalong notices have been filed for the following other 17 Northern District of California actions against Intel, for which conditional transfer orders should be issued soon:

(1) *Shanghai 1930 Restaurant v. Intel Corp.*, No. C-05 2830-MHP; (2) *Benjamin Allanoff v. Intel Corp.*, No. C-05-2834-MHP; (3) *Major League Softball, Inc. v. Intel Corp.*, No. C-05-2831-MHP; (4) *Lazio Family Products v. Intel Corp.*, No. C-05-2859-MHP; (5) *Law Offices Laurel Stanley & Wm. Cronin v. Intel Corp.*, No. C-05-2858-MHP; (6) *Walker v. Intel Corp.*, No. C-05-2882-MHP; (7) *Naigow v. Intel Corp.*, No. C-05-2898-MHP; (8) *Stoltz v. Intel Corp.*, No. C-05-2897-MHP; (9) *Hewson v. Intel Corp.*, No. C-05-2916-MHP; (10) *Lang v. Intel Corp.*, No. C-05-2957-MHP; (11) *Trotter-Vogel Realty, Inc. d/b/a Prudential California Realty v. Intel Corp.*, No. C-05-3028-MHP; (12) *Juskiewicz v. Intel Corp.*, No. C-05-3094-MHP; (13) *Uwakwe, d/b/a/ Tom Cyp Computers v. Intel Corp.*, No. C-05-3197-MHP; (14) *Juan v. Intel Corp.*, No. C-05-3271-MHP; (15) *Dressed to Kill Draperies, LLC, v. Intel Corp.*, No. C-05-3272-MHP; (16) *Kinder v. Intel Corp.*, No. C-05-3273-MHP; (17) *Rush v. Intel Corp.*, No. C-05-3277-MHP.

It is our understanding that the plaintiffs in these tagalong actions will not contest the conditional transfer orders.

Respectfully submitted,



Joy K. Fuyuno  
Counsel for Intel Corporation

Attachment

Bingham McCutchen LLP  
DAVID M. BALABANIAN (SBN 37368)  
CHRISTOPHER B. HOCKETT (SBN 121539)  
JOY K. FUYUNO (SBN 193890)  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
Telephone: (415) 393-2000  
Facsimile: (415) 393-2286

Attorneys for Defendant  
Intel Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

KAROL JUSKIEWICZ, on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

INTEL CORPORATION, a Delaware  
corporation,

Defendant.

No. C-05-3094-BZ JSW

STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE FILING DATE  
FOR DEFENDANT'S RESPONSE TO  
PLAINTIFF'S COMPLAINT

IT IS STIPULATED BY AND BETWEEN THE PARTIES, THROUGH THEIR  
COUNSEL AS FOLLOWS:

Pursuant to Civil Local Rule 6-2, Plaintiff Karol Juskiewicz and Defendant Intel Corporation hereby stipulate that Intel Corporation's response to Plaintiff's complaint shall be due either 60 days after transfer of the above captioned case pursuant to any motion to coordinate or consolidate pre-trial proceedings per 28 U.S.C. Section 1407 or, in the alternative, 45 days after any such motion has been denied. The parties request this extension of time to answer or otherwise respond because the plaintiffs in *Brauch, et al. v. Intel Corp.*, No. C 05-2743 (BZ)

STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE RESPONSE DATE

(N.D. Cal., filed July 5, 2005), a related matter, have filed a petition to coordinate or consolidate pre-trial proceedings per 28 U.S.C. Section 1407, and the above-styled action has been identified as a related action to that petition. As a result the outcome of the pending petition will impact significantly the schedule of this case.

This is the first stipulation between the parties. Because this litigation has just begun, granting such a stipulation will not have any negative impact on the schedule of this case.

IT IS HEREBY STIPULATED.  
DATED: August 11, 2005

Bingham McCutchen LLP

By: /s/ Joy K. Fuyuno  
JOY K. FUYUNO  
Attorneys for Defendant  
Intel Corporation

DATED: August 16, 2005

Trump, Alioto, Trump and Prescott

By: /s/ Mario N. Alioto  
MARIO N. ALIOTO  
Attorneys for Plaintiff  
Karol Juskiewicz

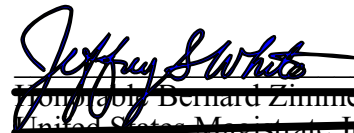


**[PROPOSED] ORDER TO CONTINUE DEFENDANT'S RESPONSE DATE**

IT IS HEREBY ORDERED that Defendant Intel Corporation's response to Plaintiff's complaint shall be due either 60 days after transfer of the above captioned case pursuant to any motion to coordinate or consolidate pre-trial proceedings per 28 U.S.C. Section 1407, or, in the alternative, 45 days after any such motion has been denied.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: August<sup>18</sup>, 2005

  
~~Honorable Bernard Zimmerman~~  
~~United States Magistrate Judge~~

Honorable Jeffrey S. White  
United States District Court Judge

BINGHAM McCUTCHEN LLP  
DAVID M. BALABANIAN (SBN 37368)  
CHRISTOPHER B. HOCKETT (SBN 121539)  
JOY K. FUYUNO (SBN 193890)  
Three Embarcadero Center  
San Francisco, California 94111-4067  
Telephone: (415) 393-2000

Attorneys for Defendant  
Intel Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

KAROL JUSKIEWICZ, on behalf of himself and  
all others similarly situated,  
  
Plaintiff,  
  
v.  
  
INTEL CORPORATION,  
  
Defendant.

No. 05-3094

DEFENDANT INTEL  
CORPORATION'S FED. R. CIV.  
PROC. 7.1 AND CIVIL L.R. 3-16  
DISCLOSURE STATEMENTS

1 Pursuant to Rule 7.1, Federal Rules of Civil Procedure, the undersigned certifies  
2 that there is no parent company and no publicly held entity that owns 10% or more of Intel.

3 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other  
4 than the named parties, there is no such interest to report.

5 DATED: August 26, 2005

6 BINGHAM McCUTCHEN LLP

7  
8 By: /s/ Joy K. Fuyuno  
9 Joy K. Fuyuno  
10 Attorneys for Defendant  
11 Intel Corporation  
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**RELATED CASE ORDER**

A Motion for Administrative Relief to Consider Whether Cases Should be Related or a *Sua Sponte* Judicial Referral for Purpose of Determining Relationship (Civil L.R. 3-12) has been filed. The time for filing an opposition or statement of support has passed. As the judge assigned to the earliest filed case below that bears my initials, I find that the more recently filed case(s) that I have initialed below are related to the case assigned to me, and such case(s) shall be reassigned to me. Any cases listed below that are not related to the case assigned to me are referred to the judge assigned to the next-earliest filed case for a related case determination.

C 05-02669 MHP      Lipton et al v. Intel Corporation

C 05-03094 JSW      Juskiewicz v. Intel Corporation

I find that the above case is related to the case assigned to me. 

**ORDER**

Counsel are instructed that all future filings in any reassigned case are to bear the initials of the newly assigned judge immediately after the case number. Any case management conference in any reassigned case will be rescheduled by the Court. The parties shall adjust the dates for the conference, disclosures and report required by FRCivP 16 and 26 accordingly. Unless otherwise ordered, any dates for hearing noticed motions are vacated and must be re-noticed by the moving party before the newly assigned judge; any deadlines set by the ADR Local Rules remain in effect; and any deadlines established in a case management order continue to govern, except dates for appearance in court, which will be rescheduled by the newly assigned judge.

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Judge Marilyn H. Patel

### CERTIFICATE OF SERVICE

I certify that on the date stated below, I lodged a copy of this order with each judicial officer and I mailed a copy to each counsel of record or *pro se* party in the cases listed above.

DATED: \_\_\_\_\_

10/4/05

Richard W. Wicking, Clerk

By: \_\_\_\_\_

Deputy Clerk

Copies to: Courtroom Deputies  
Case Systems Administrators  
Counsel of Record  
Entered into Assignment Program: \_\_\_\_\_ (date)



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KAROL JUSKIEWICZ

Plaintiff,

v.

INTEL CORPORATION  
Defendant.

NO. CV 05-03094 MHP

**CLERK'S NOTICE RE: FAILURE  
TO FILE ELECTRONICALLY  
AND/OR REGISTER AS AN E-  
FILER**

On 7/29/05, counsel for **Plaintiff** filed a **Class Action Complaint** manually, on paper. This case has been designated for electronic filing, pursuant to Local Rule 5-4 and General Order 45.

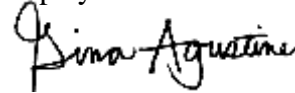
The above mentioned paper document has been filed and docketed. However, General Order 45 provides at Section III that cases assigned to judges who participate in the e-filing program "shall be presumptively designated" as e-filing cases. Therefore, counsel for **Plaintiff** should submit the **Class Action Complaint**, in PDF format within 10 days, as an attachment in an *e-mail* message directed to the judges chamber's "PDF" email box listed at <http://ecf.cand.uscourts.gov>. (Click on the **Judges** button and follow the procedure listed there). Do *not* e-file a document which has been previously filed on paper, as is the case with the above mentioned filing. All subsequent papers should be e-filed.

Further, General Order 45 provides at Section IV (A) that "Each attorney of record is obligated to become an ECF User and be assigned a user ID and password for access to the system upon designation of the action

as being subject to ECF." Counsel in this case who have not yet registered as ECF Users must do so immediately. Forms and instructions for registering can be found on the Court's Web site at [ecf.cand.uscourts.gov](http://ecf.cand.uscourts.gov).

Dated: October 20, 2005

Gina Agustine-Rivas  
Deputy Clerk



BINGHAM McCUTCHEN LLP  
DAVID M. BALABANIAN (SBN 37368)  
CHRISTOPHER B. HOCKETT (SBN 121539)  
JOY K. FUYUNO (SBN 193890)  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
Telephone: (415) 393-2000  
Facsimile: (415) 393-2286

Attorneys for Defendant  
Intel Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

KAROL JUSKIEWICZ, on behalf of herself  
and all others similarly situated,

Plaintiff,

v.

INTEL CORPORATION, a Delaware  
corporation,

Defendant.

No. C-05-3094-MHP

**STIPULATION AND [PROPOSED]  
ORDER TO STAY DATES, EVENTS  
AND DEADLINES PENDING THE  
OUTCOME OF THE MOTION TO  
TRANSFER AND COORDINATE OR  
CONSOLIDATE PURSUANT TO  
28 U.S.C. § 1407**

WHEREAS, on July 28, 2005, Plaintiff filed the instant action in the Northern  
District of California (“Juskiewicz Action”);

WHEREAS, on or about July 11, 2005, the plaintiffs in *Brauch, et al. v. Intel  
Corp.*, No. C 05-2743 (BZ) (N. D. Cal., filed July 5, 2005), a related matter, moved before the  
Judicial Panel on Multi-District Litigation (“MDL”), to transfer and coordinate or consolidate for  
pre-trial proceedings pursuant to 28 U.S.C. § 1407 (“MDL Motion”), and the Juskiewicz Action  
has been identified as a related action subject to that motion;

1 WHEREAS, on or about October 4, 2005, Judge Patel issued a Related Case  
2 Order relating this case to an earlier filed case assigned to her, and canceling or staying certain  
3 but not all dates, events and deadlines in the action;

4 WHEREAS, to date, a decision has not been rendered on the MDL Motion;

5 WHEREAS, the outcome of the MDL Motion will impact significantly the  
6 schedule of this case;

7 THEREFORE, IT IS HEREBY STIPULATED, pursuant to Civil Local Rule 6-2,  
8 by and among counsel for Plaintiff Juskiewicz, and counsel for Defendant Intel Corporation, that  
9 any events, dates or deadlines set by the Local Rules or Federal Rules of Civil Procedure,  
10 including the Local Rules for Alternative Dispute Resolution (“ADR Local Rules”) and Federal  
11 Rules of Civil Procedure 16 and 26, and any deadlines established in any case management order  
12 applicable to this case should be stayed pending the outcome of the aforementioned MDL  
13 Motion; and

14 IT IS FURTHER STIPULATED by the aforementioned parties that if a case  
15 management conference is rescheduled by the Court, the parties shall adjust the dates for any  
16 conference, disclosures or reports required by the Local Rules or Federal Rules of Civil  
17 Procedure, including the ADR Local Rules and Federal Rules of Civil Procedure 16 and 26  
18 accordingly.

19 IT IS HEREBY STIPULATED.

20 Dated: October 28, 2005

TRUMP, ALIOTO, TRUMP & PRESCOTT

21 By: /s/ Mario N. Alioto  
22 Mario N. Alioto  
23 Attorneys for Plaintiff  
24 Karol Juskiewicz  
25  
26

Dated: October 28, 2005

BINGHAM McCUTCHEN LLP

By: /s/ Joy K. Fuyuno  
Joy K. Fuyuno  
Attorneys for Defendant  
Intel Corporation

**[PROPOSED] ORDER TO STAY DATES, EVENTS AND DEADLINES  
PENDING THE OUTCOME OF THE MDL MOTION**

Any events, dates or deadlines set by the Local Rules or Federal Rules of Civil Procedure, including the Local Rules for Alternative Dispute Resolution (“ADR Local Rules”) and Federal Rules of Civil Procedure 16 and 26, and any deadlines established in any case management order applicable to this case are hereby stayed pending the outcome of the motion to transfer and coordinate or consolidate pursuant to 28 U.S.C. § 1407 (“MDL Motion”).

Upon the determination of the MDL Motion, if it is necessary for the Court to reschedule a case management conference, the parties shall adjust the dates for any conference, disclosures or reports required by the ADR Local Rules and Federal Rules of Civil Procedure 16 and 26 accordingly.

The parties shall notify the Clerk of Court within 10 days of the decision on the MDL Motion.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable Marilyn H. Patel  
United States District Court Judge



FILED

NOV - 1 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BINGHAM McCUTCHEN LLP  
DAVID M. BALABANIAN (SBN 37368)  
CHRISTOPHER B. HOCKETT (SBN 121539)  
JOY K. FUYUNO (SBN 193890)  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
Telephone: (415) 393-2000  
Facsimile: (415) 393-2286

Attorneys for Defendant  
Intel Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

KAROL JUSKIEWICZ, on behalf of herself  
and all others similarly situated,

Plaintiff,

v.

INTEL CORPORATION, a Delaware  
corporation,

Defendant.

No. C-05-3094-MHP

**STIPULATION AND [PROPOSED]  
ORDER TO STAY DATES, EVENTS  
AND DEADLINES PENDING THE  
OUTCOME OF THE MOTION TO  
TRANSFER AND COORDINATE OR  
CONSOLIDATE PURSUANT TO  
28 U.S.C. § 1407**

WHEREAS, on July 28, 2005, Plaintiff filed the instant action in the Northern  
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3 but not all dates, events and deadlines in the action;

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17 Procedure, including the ADR Local Rules and Federal Rules of Civil Procedure 16 and 26  
18 accordingly.

19 IT IS HEREBY STIPULATED.

20 Dated: October 28, 2005

TRUMP, ALIOTO, TRUMP & PRESCOTT

21 By: /s/ Mario N. Alioto  
22 Mario N. Alioto  
23 Attorneys for Plaintiff  
24 Karol Juskiewicz  
25  
26

1 Dated: October 28, 2005

BINGHAM McCUTCHEN LLP

2

By: /s/ Joy K. Fuyuno  
Joy K. Fuyuno  
Attorneys for Defendant  
Intel Corporation

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**~~[PROPOSED]~~ ORDER TO STAY DATES, EVENTS AND DEADLINES  
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Upon the determination of the MDL Motion, if it is necessary for the Court to reschedule a case management conference, the parties shall adjust the dates for any conference, disclosures or reports required by the ADR Local Rules and Federal Rules of Civil Procedure 16 and 26 accordingly.

The parties shall notify the Clerk of Court within 10 days of the decision on the MDL Motion.

**IT IS SO ORDERED.**

Dated: 10/31/05

  
Honorable Marilyn H. Patel  
United States District Court Judge

Joy K. Fuyuno  
Direct Phone: (415) 393-2386  
joy.fuyuno@bingham.com

November 17, 2005

**Via E-Filing**

The Honorable Marilyn H. Patel  
United States District Court, Northern District of California  
450 Golden Gate Avenue  
Courtroom 15, 18<sup>th</sup> Floor  
San Francisco, CA 94102

Bingham McCutchen LLP  
Three Embarcadero Center  
San Francisco, CA  
94111-4067

415.393.2000  
415.393.2286 fax

bingham.com

Boston  
Hartford  
London  
Los Angeles  
New York  
Orange County  
San Francisco  
Silicon Valley  
Tokyo  
Walnut Creek  
Washington

**Re: (1) *Lipton v. Intel Corp.*, No. C-05-2669-MHP; (2) *Prohias v. Intel Corp.*, No. C-05-2699-MHP; (3) *Konieczka v. Intel Corp.*, No. C-05-2700-MHP; (4) *Niehaus v. Intel Corp.*, No. C-05-2720-MHP; (5) *Hamilton v. Intel Corp.*, No. C-05-2721-MHP; (6) *Brauch v. Intel Corp.*, No. C-05-2743-MHP; (7) *Baxley v. Intel Corp.*, No. C-05-2758-MHP; (8) *Frazier v. Intel Corp.*, No. C-05-2813-MHP; (9) *Dickerson v. Intel Corp.*, No. C-05-2818-MHP; (10) *The Harman Press v. Intel Corp.*, No. C-05-2823-MHP; (11) *Shanghai 1930 Restaurant v. Intel Corp.*, No. C-05-2830-MHP; (12) *Benjamin Allanoff v. Intel Corp.*, No. C-05-2834-MHP; (13) *Major League Softball, Inc. v. Intel Corp.*, No. C-05-2831-MHP; (14) *Lazio Family Products v. Intel Corp.*, No. C-05-2859-MHP; (15) *Law Offices Laurel Stanley & Wm. Cronin v. Intel Corp.*, No. C-05-2858-MHP; (16) *Walker v. Intel Corp.*, No. C-05-2882-MHP; (17) *Naigow v. Intel Corp.*, No. C-05-2898-MHP; (18) *Stoltz v. Intel Corp.*, No. C-05-2897-MHP; (19) *Hewson v. Intel Corp.*, No. C-05-2916-MHP; (20) *Lang v. Intel Corp.*, No. C-05-2957-MHP; (21) *Trotter-Vogel Realty, Inc. d/b/a Prudential California Realty v. Intel Corp.*, No. C-05-3028-MHP; (22) *Juskiewicz v. Intel Corp.*, No. C-05-3094-MHP; (23) *Uwakwe, d/b/a/ Tom Cyp Computers v. Intel Corp.*, No. C-05-3197-MHP; (24) *Juan v. Intel Corp.*, No. C-05-3271-MHP; (25) *Dressed to Kill Draperies, LLC, v. Intel Corp.*, No. C-05-3272-MHP; (26) *Kinder v. Intel Corp.*, No. C-05-3273-MHP; (27) *Rush v. Intel Corp.*, No. C-05-3277-MHP**

Dear Judge Patel:

Per the stipulations and orders entered in the above captioned cases,<sup>1</sup> I am writing to notify the Court of the MDL transfer order entered November 8, 2005, a copy of which is

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<sup>1</sup> Orders were entered in most of the cases staying all dates and requiring notification to the Court of entry of the MDL decision. Stipulations staying all dates pending the MDL decision were filed in all cases except one (*Dickerson*), in which the parties agreed to the terms of the stipulation but which was not yet signed when the MDL decision issued.

Hon. Marilyn H. Patel  
November 17, 2005  
Page 2

attached. The Judicial Panel on Multidistrict Litigation has ordered that the following 10 actions originally filed in the Northern District of California against Intel Corporation be centralized under 28 U.S.C. § 1407 in the District of Delaware as MDL 1717 (*In re Intel Corp. Microprocessor Antitrust Litigation*):

(1) *Lipton v. Intel Corp.*, No. C-05-2669-MHP; (2) *Prohias v. Intel Corp.*, No. C-05-2699-MHP; (3) *Konieczka v. Intel Corp.*, No. C-05-2700-MHP; (4) *Niehaus v. Intel Corp.*, No. C-05-2720-MHP; (5) *Hamilton v. Intel Corp.*, No. C-05-2721-MHP; (6) *Brauch v. Intel Corp.*, No. C-05-2743-MHP; (7) *Baxley v. Intel Corp.*, No. C-05-2758-MHP; (8) *Frazier v. Intel Corp.*, No. C-05-2813-MHP; (9) *Dickerson v. Intel Corp.*, No. C-05-2818-MHP; and (10) *The Harman Press v. Intel Corp.*, No. C-05-2823-MHP.

Tagalong notices have been filed for the following other 17 Northern District of California actions against Intel, for which conditional transfer orders should be issued soon:

(1) *Shanghai 1930 Restaurant v. Intel Corp.*, No. C-05 2830-MHP; (2) *Benjamin Allanoff v. Intel Corp.*, No. C-05-2834-MHP; (3) *Major League Softball, Inc. v. Intel Corp.*, No. C-05-2831-MHP; (4) *Lazio Family Products v. Intel Corp.*, No. C-05-2859-MHP; (5) *Law Offices Laurel Stanley & Wm. Cronin v. Intel Corp.*, No. C-05-2858-MHP; (6) *Walker v. Intel Corp.*, No. C-05-2882-MHP; (7) *Naigow v. Intel Corp.*, No. C-05-2898-MHP; (8) *Stoltz v. Intel Corp.*, No. C-05-2897-MHP; (9) *Hewson v. Intel Corp.*, No. C-05-2916-MHP; (10) *Lang v. Intel Corp.*, No. C-05-2957-MHP; (11) *Trotter-Vogel Realty, Inc. d/b/a Prudential California Realty v. Intel Corp.*, No. C-05-3028-MHP; (12) *Juskiewicz v. Intel Corp.*, No. C-05-3094-MHP; (13) *Uwakwe, d/b/a/ Tom Cyp Computers v. Intel Corp.*, No. C-05-3197-MHP; (14) *Juan v. Intel Corp.*, No. C-05-3271-MHP; (15) *Dressed to Kill Draperies, LLC, v. Intel Corp.*, No. C-05-3272-MHP; (16) *Kinder v. Intel Corp.*, No. C-05-3273-MHP; (17) *Rush v. Intel Corp.*, No. C-05-3277-MHP.

It is our understanding that the plaintiffs in these tagalong actions will not contest the conditional transfer orders.

Respectfully submitted,



Joy K. Fuyuno  
Counsel for Intel Corporation

Attachment



**UNITED STATES OF AMERICA  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**  
Judge John F. Keenan  
United States District Court  
Southern District of New York

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

**DIRECT REPLY TO:**

Michael J. Beck  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

Telephone: [202] 502-2800  
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

November 8, 2005

TO INVOLVED COUNSEL

Re: MDL-1717 -- In re Intel Corp. Microprocessor Antitrust Litigation

(See Attached Schedule A of Order)

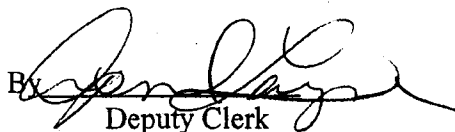
Dear Counsel:

I am enclosing a copy of a Panel transfer order filed today in the above-captioned matter.

The Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425 (2001), and specifically, Rules 1.1, 7.4 and 7.5, refer to "tag-along" actions. Please familiarize yourself with these Rules for your future reference. With regard to Rule 7.5, you need only provide this office with a copy of the complaint which you feel qualifies as a "tag-along" action and informally request that our "tag-along" procedures be utilized to transfer the action to the transferee district. If you have any questions regarding procedures used by the Panel, please telephone this office.

Very truly,

Michael J. Beck  
Clerk of the Panel

By   
Deputy Clerk

Enclosure

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**RELEASED FOR PUBLICATION**

**NOV - 8 2005**

**DOCKET NO. 1717**

**FILED  
CLERK'S OFFICE**

***BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION  
IN RE INTEL CORP. MICROPROCESSOR ANTITRUST LITIGATION***

***BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D.  
LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR.,  
KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE  
PANEL***

***TRANSFER ORDER***

This litigation currently consists of fourteen actions listed on the attached Schedule A and pending in two districts as follows: ten actions in the Northern District of California and four actions in the District of Delaware.<sup>1</sup> Pursuant to 28 U.S.C. § 1407, plaintiffs in one Northern District of California action originally moved for centralization of this docket in their California district, but they now favor selection of the District of Delaware as transferee forum. Plaintiff in one of the Delaware actions, Advanced Micro Devices, Inc. (AMD), has stated that it does not object to centralization in the District of Delaware, so long as the Panel orders that AMD's action be allowed to proceed on a separate track within the Section 1407 proceedings. All other responding parties, (i.e, plaintiffs in eight of the nine remaining California actions, the plaintiffs in the three remaining Delaware actions, common defendant Intel Corp., and plaintiffs in various District of Delaware and Northern and Southern District of California potential tag-along actions) support centralization without qualification. With but one exception, all of these additional respondents also support designation of the District of Delaware as transferee forum. The lone dissenter on this point is the plaintiff in a Southern District of California potential tag-along action, who favors centralization in his California district.

On the basis of the papers filed and hearing session held, the Panel finds that the actions in this litigation involve common questions of fact, and that centralization under Section 1407 in the District of Delaware will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. All actions involve allegations that common defendant Intel Corp. monopolized and unlawfully maintained a monopoly in the market for the microprocessing chips that serve as the "brains" of most modern computers. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery, prevent inconsistent pretrial rulings (especially with respect

---

<sup>1</sup>The Panel has been notified of additional related actions recently filed in the Northern and Southern Districts of California, the District of Delaware, the Southern District of Florida, and the Eastern and Western Districts of Tennessee. In light of the Panel's disposition of this docket, these actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

- 2 -

to class certification matters), and conserve the resources of the parties, their counsel and the judiciary. Transfer under Section 1407 will have the salutary effect of placing all actions in this docket before a single judge who can formulate a pretrial program that: i) allows discovery with respect to any non-common issues to proceed concurrently with discovery on common issues, *In re Joseph F. Smith Patent Litigation*, 407 F.Supp. 1403, 1404 (J.P.M.L. 1976); and ii) ensures that pretrial proceedings will be conducted in a manner leading to a just and expeditious resolution of the actions to the benefit of not just some but all of the litigation's parties. We decline to grant AMD's request to issue specific instructions that could limit the discretion of the transferee court to structure this litigation as it sees fit. As Section 1407 proceedings evolve in the transferee district, AMD may wish to renew its argument that the nature of its claims and/or its status as a litigant would warrant separate tracking for its action within the centralized MDL-1717 proceedings. That argument is one to be addressed to the transferee court, however, and not to the Panel.

In concluding that the District of Delaware is an appropriate forum for this docket, we observe that i) the district is an accessible location that is geographically convenient for many of this docket's litigants and counsel; ii) the district is well equipped with the resources that this complex antitrust docket is likely to require; and iii) the district is the near unanimous choice of all responding parties.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the District of Delaware are transferred to that district and, with the consent of that court, assigned to the Honorable Joseph J. Farnan, Jr., for coordinated or consolidated pretrial proceedings with the actions pending there and listed on Schedule A.

FOR THE PANEL:



---

Wm. Terrell Hodges  
Chairman

## SCHEDULE A

### MDL-1717 -- In re Intel Corp. Microprocessor Antitrust Litigation

#### Northern District of California

*David E. Lipton, et al. v. Intel Corp.*, C.A. No. 3:05-2669  
*Maria I. Prohias v. Intel Corp.*, C.A. No. 3:05-2699  
*Ronald Konieczka v. Intel Corp.*, C.A. No. 3:05-2700  
*Patricia M. Niehaus v. Intel Corp.*, C.A. No. 3:05-2720  
*Steve J. Hamilton v. Intel Corp.*, C.A. No. 3:05-2721  
*Michael Brauch, et al. v. Intel Corp.*, C.A. No. 3:05-2743  
*Susan Baxley v. Intel Corp.*, C.A. No. 3:05-2758  
*Huston Frazier, et al. v. Intel Corp.*, C.A. No. 3:05-2813  
*Dwight E. Dickerson v. Intel Corp.*, C.A. No. 3:05-2818  
*The Harman Press v. Intel Corp.*, C.A. No. 3:05-2823

#### District of Delaware

*Advanced Micro Devices, Inc., et al. v. Intel Corp., et al.*, C.A. No. 1:05-441  
*Jim Kidwell, et al. v. Intel Corp.*, C.A. No. 1:05-470  
*Robert J. Rainwater, et al. v. Intel Corp.*, C.A. No. 1:05-473  
*Matthew Kravitz, et al. v. Intel Corp.*, C.A. No. 1:05-476

**FILED**

**JAN - 5 2006**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**KAROL JUSKIEWICZ,**

**No. C 05-03094 MHP**

**Plaintiff(s),**

**ORDER**

**v.**

**INTEL CORPORATION,**

**Defendant(s).**

This matter having been stayed pending other proceedings, and there being no further reason at this time to maintain the file as an open one for statistical purposes, the Clerk is instructed to submit a JS-6 Form to the Administrative Office.

Nothing contained in this minute entry shall be considered a dismissal or disposition of this action and, should further proceedings in this litigation become necessary or desirable, any party may initiate it in the same manner as if this entry had not been entered.

Dated:

  
MARILYN HALL PATEL  
United States District Judge

FILED

05 JAN 10 PM 12:47

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

Peter T. Dalleo  
CLERK

LOCKBOX 18  
844 NORTH KING STREET  
BOGGS FEDERAL BUILDING  
WILMINGTON, DELAWARE 19801  
(302) 573-6170

December 29, 2005

Mr. Richard W. Wieking  
Clerk, U.S. District Court  
United States District Court  
Phillip Burton  
United States Courthouse  
450 Golden Gate Avenue, Box 36060  
San Francisco, CA 94102-3434

RE: In Re Intel Corporation, Inc., Antitrust Litigation - MDL - 1717

CA 05-2830 (ND/CA) - 05-894 JJF (D/DE)  
CA 05-2831 (ND/CA) - 05-895 JJF (D/DE)  
CA 05-2834 (ND/CA) - 05-896 JJF (D/DE)  
CA 05-2858 (ND/CA) - 05-897 JJF (D/DE)  
CA 05-2859 (ND/CA) - 05-898 JJF (D/DE)  
CA 05-2882 (ND/CA) - 05-899 JJF (D/DE)  
CA 05-2897 (ND/CA) - 05-900 JJF (D/DE)  
CA 05-2898 (ND/CA) - 05-901 JJF (D/DE)  
CA 05-2916 (ND/CA) - 05-902 JJF (D/DE)  
CA 05-2957 (ND/CA) - 05-903 JJF (D/DE)  
CA 05-3028 (ND/CA) - 05-904 JJF (D/DE)  
CA 05-3094 (ND/CA) - 05-905 JJF (D/DE)  
CA 05-3197 (ND/CA) - 05-906 JJF (D/DE)  
CA 05-3271 (ND/CA) - 05-907 JJF (D/DE)  
CA 05-3272 (ND/CA) - 05-908 JJF (D/DE)  
CA 05-3273 (ND/CA) - 05-909 JJF (D/DE)  
CA 05-3277 (ND/CA) - 05-910 JJF (D/DE)

Dear Mr. Wieking:

In accordance with 28 U.S.C. § 1407, enclosed is a certified copy of the *Conditional Order of Transfer* issued by the Judicial Panel on Multidistrict Litigation which references the above-captioned case in your District. Kindly forward the complete original file, together with a certified copy of the docket sheet, to the District of Delaware at the following address:

Clerk, U.S. District Court  
Federal Building, Lockbox 18  
844 N. King St.  
Wilmington, DE 19801

If our case file is maintained in electronic format in CM/ECF, please contact Elizabeth Strickler or Monica Mosley at 302-573-6170.

Sincerely,

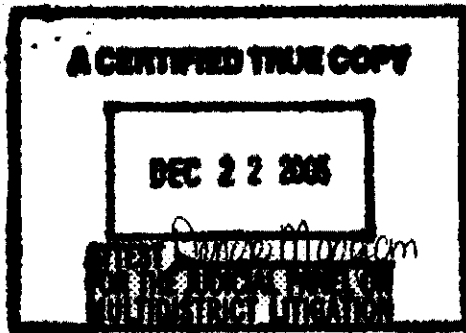
Peter T. Dalleo, Clerk

By: /s/  
Monica Mosley  
Deputy Clerk

Enc.

cc: Michael Beck, Clerk of Panel





FILED  
 COURT OF APPEALS  
 JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION  
 DOCKET NO. 1717

JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION  
 DEC - 6 2005  
 FILED  
 CLERK'S OFFICE

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**  
**IN RE INTEL CORP. MICROPROCESSOR ANTITRUST LITIGATION**  
**(SEE ATTACHED SCHEDULE)**

**CONDITIONAL TRANSFER ORDER (CTO-1)**

On November 8, 2005, the Panel transferred ten civil actions to the United States District Court for the District of Delaware for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. With the consent of that court, all such actions have been assigned to the Honorable Joseph J. Farnan, Jr.

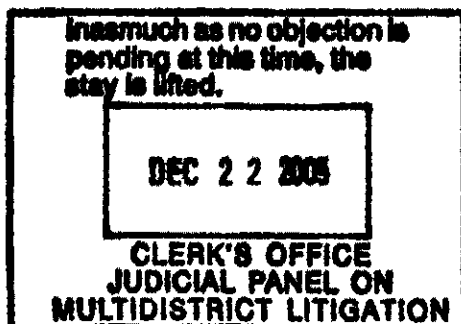
It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Delaware and assigned to Judge Farnan.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Delaware for the reasons stated in the order of November 8, 2005, \_\_\_F.Supp.2d\_\_\_ (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Joseph J. Farnan, Jr.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Delaware. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Michael J. Beck  
 Michael J. Beck  
 Clerk of the Panel



**SCHEDULE CTO-1 - TAG-ALONG ACTIONS  
DOCKET NO. 1717  
IN RE INTEL CORP. MICROPROCESSOR ANTITRUST LITIGATION**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
<b>CALIFORNIA NORTHERN</b>	
CAN 3 05-2830	Shanghai 1930 Restaurant Partners, L.P. v. Intel Corp.
CAN 3 05-2831	Major League Softball, Inc. v. Intel Corp.
CAN 3 05-2834	Benjamin Allanoff v. Intel Corp.
CAN 3 05-2858	Law Offices of Laurel Stanley, et al. v. Intel Corp.
CAN 3 05-2859	Lazio Family Products v. Intel Corp.
CAN 3 05-2882	Ian Walker v. Intel Corp.
CAN 3 05-2897	Kevin Stoltz v. Intel Corp.
CAN 3 05-2898	Peter Jon Naigo v. Intel Corp.
CAN 3 05-2916	Patrick J. Hewson v. Intel Corp.
CAN 3 05-2957	Lawrence Lang v. Intel Corp.
CAN 3 05-3028	Trotter-Vogel Realty, Inc. v. Intel Corp.
CAN 3 05-3094	Karol Juskiewicz v. Intel Corp.
CAN 3 05-3197	Athan Uwakwe v. Intel Corp.
CAN 3 05-3271	Jose Juan v. Intel Corp.
CAN 3 05-3272	Dressed to Kill Custom Draperies LLC v. Intel Corp.
CAN 3 05-3273	Tracy Kinder v. Intel Corp.
CAN 3 05-3277	Edward Rush v. Intel Corp.
<b>CALIFORNIA SOUTHERN</b>	
CAS 3 05-1507	Justin Suarez v. Intel Corp.
<b>FLORIDA SOUTHERN</b>	
FLS 1 05-22262	Nathaniel Schwartz v. Intel Corp.
<b>KANSAS</b>	
<del>KS 6 05-1303</del>	<del>Marvin D. Chance, Jr. v. Intel Corp., et al. Opposed 12/21/05</del>
<b>TENNESSEE EASTERN</b>	
TNE 2 05-212	Andrew Armbrister, et al. v. Intel Corp.
<b>TENNESSEE WESTERN</b>	
TNW 2 05-2605	Cory Wiles v. Intel Corp.

**INVOLVED COUNSEL LIST (CTO-1)**  
**DOCKET NO. 1717**  
**IN RE INTEL CORP. MICROPROCESSOR ANTITRUST LITIGATION**

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INVOLVED COUNSEL LIST (CTO-1) MDL-1717

PAGE 2 OF 2

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Chicago, IL 60602

**INVOLVED JUDGES LIST (CTO-1)  
DOCKET NO. 1717  
IN RE INTEL CORP. MICROPROCESSOR ANTITRUST LITIGATION**

Hon. J. Daniel Breen  
U.S. District Judge  
345 U.S. Courthouse  
111 South Highland Avenue  
Jackson, TN 38301

Hon. J. Ronnie Greer  
U.S. District Judge  
United States District Court  
220 West Depot Street  
Suite 405  
Greeneville, TN 37743

~~Hon. J. Thomas Marten  
U.S. District Judge  
232 U.S. Courthouse  
401 North Market St.  
Wichita, KS 67202~~

Hon. Jose E. Martinez  
U.S. District Judge  
Federal Courthouse Square  
Third Floor  
301 North Miami Avenue  
Miami, FL 33128

Hon. Marilyn Hall Patel  
U.S. District Judge  
Phillip Burton U.S. Courthouse  
Box 36060  
450 Golden Gate Avenue  
San Francisco, CA 94102-3661

Hon. Thomas J. Whelan  
U.S. District Judge  
3155 Edward J. Schwartz U.S. Courthouse  
940 Front Street, Suite 3155  
San Diego, CA 92101

**INVOLVED CLERKS LIST (CTO-1)**  
**DOCKET NO. 1717**  
**IN RE INTEL CORP. MICROPROCESSOR ANTITRUST LITIGATION**

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Miami, FL 33128-7788

Patricia L. McNutt, Clerk  
U.S. Courthouse  
101 Summer Street, West  
Greeneville, TN 37743

~~Ralph L. DeLoach, Clerk~~  
~~204 U.S. Courthouse~~  
~~401 N. Market Street~~  
~~Wichita, KS 67202~~

Richard W. Wieking, Clerk  
400-S Ronald V. Dellums  
Federal Building  
1301 Clay Street  
Oakland, CA 94612-5212

Richard W. Wieking, Clerk  
Phillip Burton U.S. Courthouse  
Box 36060  
450 Golden Gate Avenue  
San Francisco, CA 94102-3489

Thomas M. Gould, Clerk  
242 Clifford Davis Federal Building  
167 North Main Street  
Memphis, TN 38103

W. Samuel Hamrick, Jr., Clerk  
4290 Edward J. Schwartz Federal Building  
880 Front Street  
San Diego, CA 92101-8900

UNITED STATES DISTRICT COURT  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, California 94102

[www.cand.uscourts.gov](http://www.cand.uscourts.gov)

Richard W. Wieking  
Clerk

General Court Number  
415.522.2000

January 11, 2006

United States District Court  
for the District of Delaware  
Lockbox 18  
844 North King Street  
Boggs Federal Building  
Wilmington, Delaware 19801

RE: **In Re Intel Corporation, Inc., Antitrust Litigation - MDL - 1717**

CV 05-2830 MHP	<b>05-894 JJF (D/DE)</b>
CV 05-2831 MHP	<b>05-895 JJF (D/DE)</b>
CV 05-2834 MHP	<b>05-896 JJF (D/DE)</b>
CV 05-2858 MHP	<b>05-897 JJF (D/DE)</b>
CV 05-2859 MHP	<b>05-898 JJF (D/DE)</b>
CV 05-2882 MHP	<b>05-899 JJF (D/DE)</b>
CV 05-2897 MHP	<b>05-900 JJF (D/DE)</b>
CV 05-2898 MHP	<b>05-901 JJF (D/DE)</b>
CV 05-2916 MHP	<b>05-902 JJF (D/DE)</b>
CV 05-2957 MHP	<b>05-903 JJF (D/DE)</b>
CV 05-3028 MHP	<b>05-904 JJF (D/DE)</b>
CV 05-3094 MHP	<b>05-905 JJF (D/DE)</b>
CV 05-3197 MHP	<b>05-906 JJF (D/DE)</b>
CV 05-3271 MHP	<b>05-907 JJF (D/DE)</b>
CV 05-3272 MHP	<b>05-908 JJF (D/DE)</b>
CV 05-3273 MHP	<b>05-909 JJF (D/DE)</b>
CV 05-3277 MHP	<b>05-910 JJF (D/DE)</b>

Dear Clerk,

Pursuant to an order transferring the above captioned cases to your court, transmitted herewith are:

- (✓) Certified copy of docket entries
- (✓) Certified copy of TRANSFERRAL ORDER
- (✓) Original case file documents
- (✓) Please be advised that the above entitled action was previously designated to the

Electronic Case Filing program. You can access electronically filed documents through PACER referencing the Northern District of California case number at <https://ecf.cand.uscourts.gov>

Please acknowledge receipt of the above documents on the attached copy of this letter.



Sincerely,  
RICHARD W. WIEKING, Clerk

A handwritten signature in black ink, reading "Gina Agustine". The signature is written in a cursive, flowing style.

by: Gina Agustine-Rivas  
Case Systems Administrator

Enclosures  
Copies to counsel of record